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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,071	01/26/2004	Gilbert E. Haury		2241
37287	7590	11/02/2005	EXAMINER	
ROETZEL & ADDRESS 1375 EAST 9TH STREET CLEVELAND, OH 44114			SHRIVER II, JAMES A	
		ART UNIT		PAPER NUMBER
		3618		

DATE MAILED: 11/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/766,071	HAURY ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	J. Allen Shriver	3618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 26 January 2004.  
 2a) This action is FINAL.                  2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-24 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) 11-24 is/are allowed.  
 6) Claim(s) 1-3,5-7,9 and 10 is/are rejected.  
 7) Claim(s) 4 and 8 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 26 January 2004 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1, 3, 5 and 9-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Wu (US Patent 6,454,348 B1).** Wu discloses a folding transport chair (300) comprising a frame assembly having multiple interconnected frame members (See Fig. 5) including front and rear upright members (33,34) at corners of the frame assembly, and side members (See Fig. 5) in interconnected pairs spanning between each side of the upright members; upper and lower junction blocks (See Fig. 5) at intersection of the side members with the front and rear upright members; each of the front upright members extending through a respective upper junction block (See Fig. 5), and each of the front upright members having a hinge (331); [claim 3] wherein the hinge in each of the front upright members is located above the respective junction block when the chair is in an unfolded configuration (See Fig. 5); [claim 5] wherein the front upright members are able to be folded at the hinge, whereby a segment of each front upright member can be positioned to extend downward toward a bottom of the frame (See Fig. 6); [claim 9] further comprising arm rest supports (35) which extend from the upper junction blocks; and [claim 10] further comprising a support structure (37) attached to the frame assembly.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 2, 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wu (US Patent 6,454,348 B1) in view of Harrison et al. (US Patent 6,776,433 B2).** Wu discloses the folding chair as set forth above, but does not disclose a wheel assembly connected to a lower end of each of the upright members. Harrison et al. discloses a wheel assembly (70A,70B,71A,71B) connected to a lower end of each of the upright members (See Fig. 6). At the time of the invention, it would have been obvious to a person of ordinary skill in this art to provide wheel assemblies for each of the upright members disclosed in Wu in view of the teaching of Harrison et al. The motivation for doing so would have been to allow the folding chair to be transported around.

Regarding claim 6, Wu does not disclose providing a footrest attached to the front upright members. Harrison et al. discloses providing a footrest (238) attached to the front upright members. At the time of the invention, it would have been obvious to a person of ordinary skill in this art to provide a footrest to the folding chair disclosed in Wu in view of the teaching of Harrison et al. The motivation for doing so would have been to allow the user to rest their feet off the ground while riding in the chair.

Art Unit: 3618

Regarding claim 7, it would have been obvious to provide a strut located between the upper and lower segments of at least one of the front upright members in Wu in view of the teaching of Harrison et al., in order to provide support for the footrest.

***Allowable Subject Matter***

5. Claims 11-24 are allowed over the prior art.
6. The following is a statement of reasons for the indication of allowable subject matter:  
The prior art does not disclose wherein the hinge is configured to allow the respective junction block to slide over the hinge.
7. Claims 4 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

8. The prior art made of record in the accompanying PTO Form 892 and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Allen Shriver whose telephone number is (571) 272-6698. The examiner can normally be reached on Monday, Wednesday and Thursday 6:30 am-6:00 pm and Tuesday 6:30 am-11:00 am.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris P. Ellis can be reached on (571) 272-6914. Any inquiry of a general nature or

Art Unit: 3618

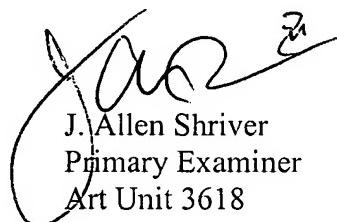
relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 308-1113.

As of May 1, 2003, any response to this action should be mailed to:

Mail Stop \_\_\_\_\_  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Or faxed to: (571) 273-8300 (for formal communications intended for entry). (571) 273-6698 (for informal communications directly to the Examiner).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



J. Allen Shriver  
Primary Examiner  
Art Unit 3618

JAS